

REMARKS/ARGUMENTS

Claims 1, 3-7, 11-26, and 30 remain in the application for further prosecution. In response to the Final Office Action mailed August 28, 2008, please consider the following remarks rendered in **appeal brief format**. The Examiner is invited to telephone the undersigned if the below remarks do not result in allowance of the claims, to discuss whether any agreement can be reached with respect to the claims to expedite prosecution and to avoid an appeal.

1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the Assignee, WMS Gaming, Inc.

2. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in an appeal of this matter.

3. STATUS OF THE CLAIMS

Claims 1, 3-7, 11-26, and 30 remain in the application for further prosecution. A Final Office Action was mailed on August 28, 2008. Claims 1, 3-7, 11-26, and 30 stand twice-rejected and their rejection is the subject of the appeal of this matter. Claims 2, 8-10, 27-29 and 31 were previously canceled.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Final Office Action mailed August 28, 2008.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Aspects of the present inventive subject matter include, but are not limited to, methods and systems to change the appearance of mechanical reels in order to notify a player of a shift to

a bonus game with a different mathematical model using the same device. The claimed subject matter is as follows:

1. A method for changing an appearance of a plurality of mechanical reels displayed on a gaming machine, the method comprising:

receiving a wager to play a base wagering game that utilizes the mechanical reels, the base wagering game having a first mathematical model of player odds, the outcomes of the player odds displayable on the mechanical reels;

detecting an indication to play a special feature game that utilizes the mechanical reels, the special feature game having a second mathematical model of player odds, the outcomes of the player odds displayable on the mechanical reels and the second mathematical model being different from the first mathematical model; and

in response to detecting the indication, changing an appearance of the mechanical reels prior to playing the special feature game to provide visual notification to a player that the special feature game is underway rather than the base wagering game and the changed appearance of the mechanical reels being maintained while the special feature game is played.

13. A method for changing an appearance of a plurality of mechanical reels on a gaming machine, the method comprising:

receiving a wager to play a slot game that utilizes the plurality of mechanical reels, the slot game having a first mathematical model of player odds, the outcomes of the player odds displayable on the mechanical reels;

detecting a first indication to play a bonus game that utilizes the plurality of mechanical reels, the bonus game having a second mathematical model of player odds, the outcomes of the player odds displayable on the mechanical reels and the second mathematical model being different from the first mathematical model;

in response to detecting the first indication, changing a color of the plurality of mechanical spinning reels prior to playing the bonus game and maintaining the changed color of the plurality of mechanical spinning reels during the playing of the bonus game;

detecting a second indication to terminate play of the bonus game; and

in response to detecting the second indication, restoring the color to the plurality of mechanical spinning reels.

20. A gaming machine comprising:

a value input device;

a displayed plurality of mechanical reels operable during both a base game having a first mathematical model of player odds, the outcomes of the player odds displayable on the mechanical reels and a special feature game having a second mathematical model of player odds, the outcomes of the player odds displayable on the mechanical reels and the second mathematical model being different from the first mathematical model;

an illumination source adapted to illuminate the displayed mechanical reels; and

a controller operatively coupled to the value input device, the displayed mechanical reels and the illumination source, the controller comprising a processor and a memory coupled to the processor, the controller being programmed to

allow a player to make a wager to play the base game,

detect a first indication to play the special feature game, and

in response to detecting the first indication, illuminate the illumination source to change an appearance of the displayed mechanical reels prior to playing the special feature game to provide visual notification to a player that the special feature game is underway rather than the base game and the changed appearance of the mechanical reels is maintained while the special feature game is played.

30. A method for changing an appearance of a plurality of mechanical reels displayed on a gaming machine, the method comprising:

receiving a wager to play a base game having a first mathematical model of player odds, the outcomes of the player odds displayable on the mechanical reels;

displaying a base game outcome with the mechanical reels;

detecting an indication to play a special feature game having a second mathematical model of player odds, the outcomes of the player odds displayable on the mechanical reels and the second mathematical model being different from the first mathematical model;

in response to detecting the indication, changing an appearance of the mechanical reels prior to playing the special feature game and maintaining the changed appearance of the mechanical reels while the special feature game is played; and

displaying a special feature game outcome with the mechanical reels.

6. GROUND FOR REJECTION TO BE REVIEWED ON APPEAL

I. Claims 1, 3-6, 11-15, 18-20, 23, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of U.S. Patent No. 6,481,713 (“Perrie”).

II. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of U.S. Patent No. 6,702,675 B2 (“Poole”).

III. Claims 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Official Notice.

IV. Claims 4, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of U.S. Patent No. 6,481,713 (“Perrie”).

7. ARGUMENT

A The Claims Solve Problems Inherent in Perrie and Satoh

Claims 1, 13, 20 and 30 require that the base wagering game has a first mathematical model of player odds and the special feature game has a second, different mathematical model of player odds. The claims also require that the outcomes of the player odds from the two mathematical models are displayable on the mechanical reels. The mechanical reels are used for both the base wagering game and the special feature game. The appearance of the mechanical reels is changed to provide visual notification to a player that the special feature game having the second, different mathematical model of player odds is underway. The appearance of the mechanical reels is maintained while the special feature game is played.

These features have the advantages of using the same mechanism for the basic game as a bonus game thus saving the need to add additional parts for a different mechanism such as the dice objects in Perrie. Gaming regulations require that a player is notified of a change between the base game and a special feature game. In prior art such as Perrie, such a notification was satisfied because the mechanisms for the bonus game differed from that of the base game.

However, the use of one mechanism such as reels for the base game and a second mechanism device such as mechanical dice for the special feature game increased the expense of manufacturing a gaming machine. The use of the same mechanism requires meeting stringent regulatory requirements to notify a player of not only a shift to a bonus game but also that the game has a different mathematical model. The present claims provide a visual differentiation between base game play and special feature game play therefore allowing the use of the same mechanical device for both games. The use of the same mechanical devices such as reels for both the base game and the special feature game, while notifying the player of the transitions between the games, results in more cost effective use of a single set of mechanical game components. This advantage cannot be realized by Perrie.

Claims 1, 13, 20 and 30 differ from Satoh as special feature games generally provide a greater chance of winning than base games. The different mathematical model therefore adds to the excitement of the bonus game which is something lacking in Satoh. The Final Office Action has cited paragraph 54 of Satoh that discloses changing the operation of the lighting in response to a situation such as game activation, normal gaming and transition to a bonus game. (p. 3). Satoh does not disclose nor teach changing the appearance of mechanical reels to indicate the play of a bonus special feature game with different mathematical odds than the base game. Although the Final Office Action has asserted that Satoh teaches maintaining the changed appearance of the mechanical reels, this element is not disclosed in either the cited paragraphs 1 or 54 of Satoh. Claims 1 and 20 are thus independently allowable over Satoh for this reason.

B. The Combination of Satoh and Perrie Is Improper Because Satoh and Perrie Relate To Different Concepts.

The Final Office Action has cited the combination of Satoh and Perrie against the independent claims which includes the elements of a base game with a first mathematical model and a special feature game with a second, different mathematical model. The Final Office Action specifically cites Col. 22, ll. 35-40 of Perrie that explains “this version of the game of the present invention can be a stand-alone game either as a table game in a gaming machine, or as a bonus game in which case the game is initiated when a bonus condition arises from the underlying game.” (p. 3).

Applicant respectfully submits that there would be no motivation to combine Satoh and Perrie. Perrie discloses a dice game that could be used as a bonus game in conjunction with standard reel devices. (see Fig. 5). As explained above Perrie requires a different mechanical mechanism for the base game such as a set of reels than the bonus game. Perrie's method may notify a player of a special feature game but does not allow the use of the same mechanical device for both the base game and the special feature game as in the present claims. Therefore, one of ordinary skill in the art would not apply the teachings of Perrie to Satoh. The motivation stated by the Final Office Action (p. 3), namely making a game more interesting to a player, does not apply in the present claims which have the advantage of using the same mechanical devices for the base game and the special feature game. In fact, Perrie teaches away from the present claims, as Perrie requires two separate mechanical devices for the two games and encourages additional mechanical devices in order to keep the game more interesting to the player. Thus this results in less cost effective gaming machines because of the necessity of having two or more separate mechanical assemblies.

The Final Office Action has also asserted that Perrie uses a different mechanical device but the teaching is no different than bonus games that just add scatter symbols during free play. (p. 2). The Final Office Action does not cite to any reference or other evidence of simply adding scatter symbols and therefore Applicant respectfully submits that this is an unsupported response and should be discounted. Even accepting a reel game with scatter symbols that are activated during a bonus game, such a reel game is a video game not a mechanical game as required by the claims and is therefore not analogous art.

As explained above, the Perrie game terminal requires additional mechanisms for the bonus game, since the bonus game (dice) cannot use the basic game mechanisms (reels). The addition of scatter symbols as asserted by the Final Office Action is not the analogous to the same mechanism used for both the basic and bonus games as the scatter symbols are still present in a basic game on the reels, they are simply not utilized in the basic mechanism. More importantly the scatter symbols would not be sufficient to notify a player of the bonus game having a different mathematical model according to the applicable gaming regulations thus requiring another mechanism to notify the player of the different game and different

mathematical model. Such a device would not be cost effective as distinguished from the present claims.

8. Conclusion

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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/Wayne L. TANG, Reg. #36028/

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